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**OFFICE OF PETITIONS**

In re Application of  
Oleg Ilich Epshtein et al  
Application No. 10/522,651  
Filed: January 22, 2005  
Attorney Docket No. 841-007

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 26, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 27, 2008.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$555 extension of time submitted with the petition on December 12, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1646 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions